

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KAREN ALBRIGHT, et al.,

Plaintiffs,

v.

ASCENSION MICHIGAN, et al.,

Defendants.

Case No. 1:22-cv-638

HON. JANE M. BECKERING

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ORDER

Pending before the Court is a December 9, 2022 Motion to Stay Discovery (ECF No. 42), filed by Defendants Ascension Michigan, Ascension Providence, Ascension Borgess Allegan Hospital, Ascension Borgess Hospital, Ascension Borgess-Lee Hospital, Ascension Borgess-PIPP Hospital, Ascension Brighton Center for Recovery, Ascension Genesys Hospital, Ascension Macomb-Oakland Hospital, Ascension Providence Hospital, Ascension Providence Rochester Hospital, Ascension River District Hospital, Ascension St. John Hospital, Ascension St. Joseph Hospital, Ascension St. Mary's Hospital and Ascension Standish Hospital (collectively, the "Defendants"), seeking to stay the case pending an order on Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaint for failure to state a claim (ECF No. 38). Plaintiffs filed a response in opposition to the Motion to Stay on December 21, 2022 (ECF No. 48).

Having reviewed the parties' submissions and considered the case procedural posture, the Court denies the motion to stay. "Trial courts have broad discretion and inherent power to stay discovery until preliminary questions that may dispose of the case are determined." *Hahn v. Star Bank*, 190 F.3d 708, 719 (6th Cir. 1999). "It is also well established that the filing of a motion to

dismiss does not automatically warrant a stay of discovery.” *AFT Michigan v. Project Veritas*, 294 F. Supp. 3d 693, 694 (E.D. Mich. 2018); *Baker v. Swift Pork Co.*, No. 3:15-cv-663, 2015 WL 6964702, at *1 (W.D. Ky. Nov. 10, 2015) (“the mere filing of a dispositive motion, such [as] a motion for judgment on the pleadings or motion to dismiss, is insufficient to support a stay of discovery”); *Williamson v. Recovery Ltd. P’ship*, No. 2:06-cv-0292, 2010 WL 546349, at *2 (S.D. Ohio Feb. 10, 2010) (“[U]nless the motion raises an issue such as immunity from suit, which would be substantially vitiated absent a stay, or unless it is patent that the case lacks merit and will almost certainly be dismissed, a stay should not ordinarily be granted to a party who has filed a ... Rule 12(b)(6) motion” for failure to state a claim). For these reasons, and as more fully set forth in Plaintiffs’ response, Defendants’ Motion to Stay (ECF No. 42) is DENIED.

IT IS SO ORDERED.

Dated: December 27, 2022

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge